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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,022	07/12/2001	Donald Henry Willis	PU010149	1946
7590	11/15/2007			
Joseph S. Tripoli THOMSON multimedia Licensing Inc. Patent Operations, Two Independence Way P.O. Box 5312 Princeton, NJ 08543-5312			EXAMINER CHOWDHURY, NIGAR	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/904,022	WILLIS, DONALD HENRY
	<b>Examiner</b>	<b>Art Unit</b>
	Nigar Chowdhury	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 September 2007.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed on 09/04/2007 have been fully considered but they are not persuasive.

In re page 7, applicant argues that Boyce and Uchima fail to disclose "conversion of an **introductory** predictive picture to an intra picture and replacing the **introductory** predictive picture with the intra picture in a video segment" as recited in claims 1 and 6. Applicant also describes the situation of introductory from specification which is "an introductory predictive is used to properly decode a subsequent predictive, but is not itself initially properly decoded"

In response, the examiner respectfully disagrees. In the claim limitation **introductory** is not defined anywhere and the specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743,386 F.2d 924, 155 USPQ 687 (1968).

By the Dictionary Merriam-Webster, Tenth Edition, the definition of **introductory** is "of, relating to, or being a first step that sets something going or in proper perspective". Uchima discloses in fig. 16 and from col. 5 lines 49-67, col. 8 lines 36-col. 9 lines 7, and col. 11 lines 41-57 that "In ...the first frame data is coded by interframe coding method, each receiving terminal can not restore the frame into a picture....data of the first frame is not interframe but intraframe coded and stored....", "In the

thus....interframeley coded frames A, have a larger amount of data per frame and can be read out in any order and be surely reproduced at any .....". Uchima discloses conversion of predictive picture into an intra picture. There should be a first step of converting first (introductory) predictive frame into an intra picture to replace.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,726,711 by Boyce in view of US Patent No. 6,078,721 by Uchimi et al.
2. Regarding claim 1, Boyce discloses a method of recording onto a storage medium a video segment (Fig. 1 (16), Col. 6 lines 33-49) comprising the steps of:

- Receiving video segment, wherein video segment contains at least one introductory predictive picture containing intra macroblocks (Fig. 1, Col. 4 lines 20-24, Col. 6 lines 33-Col. 7 lines 11)

Boyce fails to disclose

- Selectively converting at least one introductory predictive picture into an intra picture thereby replacing at least one introductory predictive picture with intra picture in video segment.

Uchimi discloses

- Selectively converting at least one introductory predictive picture into an intra picture thereby replacing at least one introductory predictive picture with intra picture in video segment (Col. 5 lines 49-67, Col. 8 lines 36-Col. 9 lines 7, Fig. 16, Col. 11 lines 41-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Boyce's system to include selectively converting system, as taught by Uchimi, for generating pictures specially reproducible, for example, with rapid forward or rapid reverse feeding.

3. Regarding **claim 2**, Boyce also discloses the step of selectively decoding a predetermined number of introductory predictive pictures to obtain a properly decoded predictive picture (Fig. 3, Col. 12 lines 37-48)

Uchimi discloses converting step (Fig. 16, Col. 11 lines 41-57)

4. Regarding **claim 3**, Boyce discloses predetermined number is based in part on the amount of intra macroblocks in each introductory predictive pictures (Col. 10 lines 40-55).

5. Regarding **claim 4**, Uchimi discloses video segment contains at least one subsequent predictive picture and converting step further comprises the steps of:

- Selectively decoding subsequent predictive pictures (Fig. 15, Col. 11 lines 11-40)
- Selectively re-encoding into intra pictures predictive pictures selected from the group comprising subsequent predictive pictures or introductory predictive pictures (Fig. 15, Col. 11 lines 11-40).

6. Regarding **claim 5**, Boyce discloses wherein video segment is an MPEG video segment that does not contain any intra pictures (Col. 5 lines 55-67).

7. System **claims 6-10** are rejected for the same reasons as discussed in method claims 1-5 above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

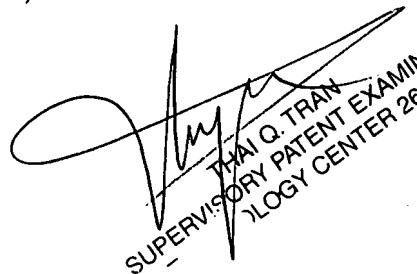
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC  
11/09/2007



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